

Cherry de la Cruz
1726

QUEBEC, DECEMBER 20, 1850

AGENTS DUTIES.

1.—The duties of the local Agents of this Department consist, in selling such of the Crown, Clergy, or other public Lands as may from time to time be placed at their disposal, collecting instalments on former Sales, as well as rents now or hereafter to become due on lots given on lease, or sold on quit-rent.

11.—They are to perform, in addition to the duties prescribed by the Land Act, such inspection and other special services and give such information as may be required of them by the Governor of the Province or by this Department.

III.—It is their duty to see that no depredations or trespasses are committed on the Lands, woods, mines, ores, quarries or other property of the Crown and Clergy, to prevent such trespasses as far as may be in their power and in all cases to give information of the same to this Department.

IV.—They are also expected to give applicants generally such advice and information as they are enabled to afford (not of a confidential nature) respecting the sales and grants of public lands. But any direct or indirect understanding on their part for participating in the benefits claimed by individuals, any receipt of money for their own benefits, no matter from whom, to secure to the parties the obtaining of any lot of Land, would subject them to the loss of their situation as would also all speculation in land within their Agency not actually under Patent.

V.—In many particular cases the valuing of certain lots improved or not, is imposed on this Department; a duty however which it can only accomplish through its sub-delegates. The responsibility in these cases resting entirely with the local Agents, they are to proceed to this valuation with much attention and caution, avoiding all favor or acception of persons, and avoiding equally too high a valuation which might deter or overcharge purchasers; or too low a one which would diminish the fair proceeds of the public property.

VI.—In the inspecting and valuing of the parcels of Land reserved for villages and surveyed in small lots, they are to be guided, not by the average price of Land per acre; but by the particular circumstances which have induced the laying apart those tracts, and which have reference to their present state, by the resources which they hold out and the object of their establishment. The improvements which may exist on any of those lots are to be valued separately.

SALES OF CROWN LANDS.

I.—Not more than 200 acres of Land in sub-divided Townships to be sold to one person.

II.—All Lands sold, whether Crown or Clergy, (except in special cases) to be subject to conditions of actual settlement as required by the regulations of 18th January last, and to be paid in five equal annual instalments with interest from date of sale.

III.—The Sales of Crown Lands are strictly to be confined to the Lots put on Sale and inserted in the lists or tables already or hereafter to be published, with copies of which the Resident Agents are furnished; any occasional deviation from this rule will be made known in a special manner.

IV.—The Lots are to be sold under existing Regulations at the contents and prices specified in the lists to the first applicants who offer payment under existing Regulations. No application to purchase is to be entertained unless accompanied with the required instalment.

V.—Broken or irregular Lots are not to be divided, unless the applicants furnish at their own cost a Plan or Certificate of Survey of the portion they require to be transmitted to the Department for approval.

FROM J. J. HUGHES, Esq.
 SECRETARY OF THE LANDS, QUEBEC, DECEMBER 20, 1860.
 Sir,
 I have the honor to acknowledge the receipt of your letter of the 17th inst. in relation to the sale of the lands of the Crown, and in reply to inform you that the same have been forwarded to the proper authorities for their consideration.
 I am, Sir, very respectfully,
 Your obedient servant,
 J. J. HUGHES, Esq.

VI.—Whenever a Lot is supposed to contain less than the quantity of Acres mentioned in the printed List, the purchaser or party interested is to furnish the Agent with a Certificate and Plan of Survey showing the exact contents of the Lot, which is to be transmitted to the Department for consideration.

VII.—In all the Lists of Crown Lands advertised for Sale, a notice of not less than 30 days is given, before the expiration of which no Sale can be effected; and no adjudication should be made before 10 o'clock, A.M., of the day of Sale.

VIII.—It may therefore happen that on or previously to the day and hour appointed, applications may be made by more than one person for the same Lot. In such cases, the Lots so applied for will have forthwith to be put up to public auction, beginning at the fixed price and adjudged to the highest bidder; unless one of the applicants be in possession with improvements and has satisfied the Agent thereof, when he should be preferred and the lot sold to him. The Sale however of such Lots may be postponed to some future time, should it be found necessary or more convenient to do so, on giving notice to that effect in the neighbouring places, and particularly to the applicants, who ought to be notified by letter if possible.

IX.—All persons will be admitted to bid at the public Sales. Should the last bidder not pay within one half hour after adjudication, and that from the disproportion between his bid and the preceding one, or from other causes, there should be reason to suspect collusion or a design to prevent fair competition, the sale may be declared null and void, and the Lot put up again either instantly or on a future day, by giving notice to that effect.

X.—The Agents are authorised on such occasions to refuse any exorbitant bid unless the whole of the Purchase Money be immediately deposited. And as the above precautionary measures will be insisted upon, they should be announced publicly before the Sale.

XI.—The Sale of Village Lots, when disposed of by Auction, will be regulated by the same conditions.

XII.—No direct or even vague sufferance or permission is to be given which might authorize persons to settle themselves provisionally on Public Lands.

XIII.—No advice is to be given by the Agents on the choice of Lots, they are merely to point out which are vacant: misunderstandings on those points might expose the Department to a useless or even disagreeable correspondence.

XIV.—Squatters and others in the unauthorized possession of Public Lands should be informed, whenever an opportunity presents itself, that such possession gives them no right; and that the only way for them to secure the property thereof is to purchase them at once. No Lot with any considerable improvements on the same, of which the Agent is aware, or has had notice, should be sold to any other than the occupant, without first communicating with the Department on the subject.

XV.—Whenever it shall appear that a Lot put on Sale should be withdrawn from the list for further consideration, either on account of some special claim or from its containing Mines, Quarries, or other particular productions, or from its being likely to be required for Military or other Public Works, or from its affording important sites for Villages, Mills, or Manufactories, or lastly, from its having been previously disposed of, the Agents are authorized and required provisionally to withdraw such Lot from the list of Lands for Sale, and to inform this Department of the same, accompanying the information with the necessary details.

XVI.—Sales of Crown Lands, ~~NOT ADVERTISED~~ may be sanctioned to occupants or to parties who, from the peculiar position of the Land, would be injured by the Sale of it to others, on special application to that effect being made to the Commissioner of Crown Lands.

XVII.—Whenever a Sale is so made, allowing the applicant to purchase at a valuation, the cost of valuation or inspection must be borne by the party interested; when paid the Sale may be carried out subject to the approval of the Department. At the same time a reason is to be assigned for the valuation fixed.

XVIII.—As it often occurs that persons who have obtained Orders in Council or adjudications to purchase remain satisfied with the security to the Land which it confers, and delay completing the Sale, it is to be understood that interest on the purchase Money is to be charged from the date of the order or adjudication, if not otherwise stated.

XIX.—The Agents are to give as much publicity as possible to the lists of Lands offered for Sale by distributing them in the various Townships of their Agencies, and having them put up in the most frequented places, such as Court Houses, Churches and Taverns in remote Townships.

SALES OF CLERGY RESERVES.

I.—Sales of Clergy Lands (except in special cases) to be subject to the same conditions of payment and settlement as Crown Lands.

II.—No Scrip is to be received in payment of Clergy Lands.

III.—On such of the Reserves as have been leased in addition to the price per acre, the rent, if any due, may be added to the price per acre, instead of being paid at once, if the party prefers it.

IV.—Parties claiming under the Lessees must prove their title thereto, by producing transfers.

V.—On improved Lots not leased, Rents may be added to the price per acre as provided for Leased Lots.

VI.—In all instances where the Inspectors have neglected to state the period that the parties who occupy the Land without authority have been in possession in order to regulate the charge of Rent, it will rest with the Agents to take the best means in their power to satisfy themselves on this point, before permitting parties to purchase.

VII.—When Lots are represented to be in the occupation of various individuals in irregular portions, it is desirable that the parties should make an amicable arrangement among themselves, so that patents may not be required, excepting for the regular half Lots.

VIII.—Should the purchaser be neither the Lessee nor the Occupant, the value of the improvements is to be claimed, besides the price per acre unimproved.

IX.—In order that the expenses attending the Inspection may be reimbursed, it has been decided that, upon such Lots as have been inspected, an addition be made to the valuation of 15 shillings on Lots containing 100 acres, and 25 shillings on those containing more.

X.—Parties conceiving themselves aggrieved by the returns of inspection, have a right to have their case considered upon application to the Commissioner of Crown Lands through the Agent; such appeals however ought not to be encouraged except in cases of evident error or injustice.

COLLECTION OF ARREARS.

I.—List of arrears on former sales of Public Lands, as well as on Rents, are furnished to the Agents, and it is their duty to attend to the collection of the same, by notifying the parties indebted to call and pay at the office of the Agents.

II.—It is desirable that they should see occasionally the debtors of the Department, and make themselves acquainted with the residence of each of them, and with their means of paying; but this they must do without incurring any expense to be charged to the Department.

III.—It is to be observed, that interest, when chargeable, is to be calculated on each instalment from the day of sale to the day of payment.

IV.—Full instalments only, with interest, are to be received by the Agent,—all monies offered in part payment of such instalments should be declined by the Agents,—neither are they to receive instalments on portions of Lots, when not divided at the time of sale, as subdivisions of sales are not permitted.

V.—Transfers and Assignments of Lots are frequently set to this Office for registration; when forwarded through the Agents, they ought to see that they are duly executed, and have the affidavit attached required by the 7th Clause of the Land Act.

VI.—Transfers of Lots sold will not be registered unless all the instalments actually due are paid up.

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REMUNERATION.

I.—The remuneration of the District Agents is fixed at a commission of 5 per cent. on the first two thousand dollars, 2½ per cent. on the next twenty-eight thousand dollars, and 1½ per cent. on all above thirty thousand dollars collected annually.

II.—This per centage is intended as a full compensation, not only for the management of Sales and Collections generally, and attending to what may be deemed necessary for the protection of the public property under their charge, but also for all the other ordinary duties which the District Agents are called upon to perform, such as reporting in all cases referred to them by the Department, receiving and delivering Patents, and giving applicants generally the information they may require in all matters connected with Public Lands.

III.—It is particularly to be observed, that on credit sales the Agent will be entitled to a commission on that portion of them only which he will collect at the time of sale; the commission on subsequent instalments, when collected, will be received by him, or his successor in office, as the case may be.

IV.—When employed on inspections, or other extraordinary duties, under special instructions from this Office, the Agents will be entitled to a pay of 20s. per day, which is intended to cover all travelling and other expenses.

V.—In making out their charges for inspections they will invariably state the number of days employed on each service, and the distance in miles travelled from their residence to the extreme point visited; the account to be sworn to at foot before a Justice of the Peace, as practised by Land Surveyors.

VI.—Postages, which they may have to pay on letters addressed to them on official business, will be reimbursed to the Agents; they are, therefore, to transmit, quarterly, on the last day of March, June, September and December, of each year, a statement of Postages so paid by them and the amount paid on each. These accounts will be certified at foot. All letters so paid for, will be considered as records of the office, and will have to be produced when required.

VII.—Agents are not to pay the postage on letters sent by them, unless written by order of or for the benefit of the Department.

MONTHLY RETURNS.

I.—As soon as possible, after the last day of every month, each Agent is required to prepare and transmit a return, according to the form furnished, of all his Sales and Collections on account of this Department, during that month.

II.—The Returns to be made in duplicate, one copy to remain in this office and the other to be returned to the Agent, approved or with corrections if necessary.

III.—All transactions, whether Crown or Clergy Sales or instalments are to be entered as they occur in their regular order of date, specifying distinctly in the column headed "Description," the particular service on account of which the sum is received. The date of each transaction is to be inserted in the proper column.

IV.—These returns should be prepared with care, and the interest, when any, calculated correctly, stating the number of years and days for which it is charged.

V.—As they are intended to be a mere copy of each day's transaction, the returns may be commenced a few days before and closed on the last day of the month, there is nothing therefore to prevent their being mailed for transmission within the first three or four days of the following month, and it is to be expected that this will invariably be done.

VI.—In the first money column the full amount of each sale or collection is to be entered, principal and interest, in distinct items; and in the others respectively must be specified what proportion of the same has been paid in Cash or Scrip, writing on the face of the Scrip the particular sale on account of which it has been paid.

VII.—In all payments in Scrip, the exact amount due only must be received, unless the party tendering it is willing to forfeit all excess to the profit of the Crown, as no change is to be returned either in Scrip or Cash for any such excess: all balances so given up are to be carefully noted in the returns. All over payments in money to be applied on subsequent instalments are also to be declined by Agents.

VIII.—All Scrip received during the month must invariably be enclosed with the return of that month; sending it either before or after, is apt to create confusion.

IX.—Agents will, whenever their receipts amount to \$100, deposit the same in the nearest branch of the Bank of Upper Canada, and at the close of each month deposit the balance of their receipts for that month. The Cashier of the Bank will give receipts in duplicate and a draft for each amount deposited, and the Agent will transmit the drafts and duplicate receipts to the Department with the monthly returns.

X.—At the foot or on the back of the return, the different sums transmitted with it (in Cash or Scrip) or during the month, should be stated.

XI.—Should it happen that no sale or collection had been made, a report to that effect will be made in the following terms:—

"I have to report that I have made no sale, and collected no money whatever on account of the Department of Crown Lands during the present month of

(DATE AND SIGNATURE.)

XII.—Correct Copies of their returns should be preserved by the Agents, as subsequent reference may occasionally have to be made to them.

XIII.—In all new sales it is necessary that the names, surnames and additions of the purchasers should be inserted at length, as also their place of residence, that the parties may be referred correctly for Patent.

XIV.—Agents are in no case to retain in their hands, out of their collections, any sum whatsoever for any claim or account they may have against the Department—should they have any just demands to prefer against it, either for themselves or others, they will transmit the same, and when approved, the amount will be passed to their credit, or a cheque sent in payment.

XV.—All accounts against the office are to be transmitted in duplicate, and separate and distinct accounts are to be made for each different charge.

XVI.—No charge will be admitted unless previously sanctioned by the office.

XVII.—All official communications, bank cheques, &c., &c., should be directed to the "Commissioner of Crown Lands," as in cases of absence, inconveniences or delays may arise when addressed nominally to any other officers of the Department.

XVIII.—Letters accompanying monthly returns should allude to no subject not immediately connected with the account part of those returns, and generally when an Agent has to address the Department on several distinct matters, it is desirable that he should do so, by so many separate communications, as without this precaution, much inconvenience may result in the public offices, each case having frequently to be considered or referred to other Departments separately.

XIX.—The books and other papers or records of their agencies are to be kept apart from the Agents' private papers, and considered as public property, to be produced or handed over to their successor in office or to the Department, whenever required to do so.